

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GLYNICE SIMMONS, individually and as  
Administratrix of the ESTATE OF DAINELL  
ERIK SIMMONS,

14 CV 3884 (AMD) (ARL)

Plaintiffs,

-against-

**DECLARATION OF ERIC  
HECKER IN SUPPORT OF  
COMPROMISE ORDER**

COUNTY OF SUFFOLK; George Oliva; Karen Grenia;  
Susan Cataldo; Sal Yovino; James Poltorak; Kevin  
Wuestenhoff; Jeffrey Pitkewics; Steven Turner; Richard  
Ciaccio, James Samartino; Denise Fierro; Frank Leotta, and  
POLICE OFFICERS "JOHN DOE" 1-10,

Defendants.  
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**ERIC HECKER**, an attorney duly admitted to practice before this Court, hereby  
declares the following to be true under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a partner at Cuti Hecker Wang LLP, counsel for the Plaintiff in this action,  
together with our co-counsel, Brett H. Klein. I submit this Declaration in support of Plaintiff's  
application for the Court to execute the attached proposed Order of Compromise pursuant to  
Local Rule 83.2(b) and N.Y. G.M.L. § 6-n(10).

2. The parties have agreed to settle this case for a total of \$1,850,000.00 inclusive of  
all costs, disbursements, and attorney's fees. This settlement amount was the result of extensive  
arms'-length negotiations between counsel for the parties, culminating in a settlement conference  
supervised by Magistrate Judge Lindsay. The settlement amount reflects the seriousness and  
strength of Plaintiff's claims, the viability of Defendants' defenses, and the significant trial risk

that both sides faced. It is a fair and reasonable settlement.

3. Attached hereto as Exhibit A is a true and correct copy of the May 10, 2018 letter from the Chair of the Suffolk County Ways and Means Committee, Bridget Fleming, confirming that the County approved the settlement of this action.

4. Plaintiff's counsel's retainer agreement with Plaintiff provides for a legal fee in the amount of one third (1/3) of the net recovery, after the reimbursement of out-of-pocket case expenses. This is a standard fee arrangement in a case such as this, and it is fair and reasonable.

5. Plaintiff's counsel incurred a total of \$25,661.33 in out-of-pocket costs in this action, which includes filing fees, medical record fees, deposition transcript fees, expert witness fees, travel expenses, and other miscellaneous disbursements. These costs were reasonably incurred in the prosecution of this action.

6. After this \$25,661.33 in out-of-pocket costs is reimbursed to Plaintiff's counsel, the net recovery is \$1,824,338.67. One third of the net recovery is \$608,112.89, which is the fee that is due to Plaintiff's counsel. This amount is fair and reasonable given the facts and circumstances of this case.

Dated: June 29, 2018  
New York, New York

By: 

Eric Hecker  
CUTI HECKER WANG LLP  
305 Broadway, Suite 607  
New York, New York 10007  
(212) 620-2600  
*Attorneys for Plaintiff*

# **EXHIBIT A**

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK

**Bridget Fleming**  
Second Legislative District

**Chair**  
Ways & Means Committee

**Vice-Chair**  
Health Committee



**Committee Member**  
Public Safety  
Environment, Planning  
and Agriculture  
Public Works, Transportation  
and Energy

May 10, 2018

Lynne A. Bizzarro  
Chief Deputy County Attorney  
P.O. Box 6100  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, New York 11788

**Re: Glynice Simmons, et al. v. County Suffolk, et al.**

Dear Ms. Bizzarro:

This letter will confirm that at the May 10, 2018 meeting of the Ways and Means Committee of the Suffolk County Legislature, settlement of the above captioned matter by the County's contribution of the sum of \$1,850,000 was authorized.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bridget Fleming", is written over the printed name.

Bridget Fleming  
Suffolk County Legislator  
Chair, Ways and Means Committee